

in AFF

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2007 APR 23 P 6: 55

In The U.S. District Court Alabama Middle District (Montgomery)
Civil Docket for Case No. 2:06-cv-00985-WKW-TFM

Pierce v. American General Finance, Inc and others

AFFIDAVIT OF ATHEAL PIERCE

COMES NOW affiant, Atheal Pierce, who after being ^{*}duly sworn under oath, deposes and states that the following facts are within his personal knowledge, and that if called as a witness he could testify competently thereto:

1. I filed the pending lawsuit on October 30, 2006 and paid the filing fee on October 31, 2006.
2. I sued American General Finance, Incorporated, a corporation located in Evansville, Indiana.
3. I received a threatening letter from Mr. David A. Elliott even though it is clear that my lawsuit informs all concerned that the suit is due to be amended. The threatening letter did not ask nor request that Pierce submit to binding arbitration.
4. As the whole wide world can see, Mr. David A. Elliott's motion is dealing with something other than the pleadings and the amended notice filed by Pierce.
5. The Affidavit of Robert S. Ritter is of very little value because it does not inform this court about the complaint of Pierce. It does not inform the court about the treatment of arbitration and it doesn't talk about the complaint of Pierce.
6. The affidavit of Robert S. Ritter is a useless gesture and due to be stricken as such. Mr. David A. Elliott fails to inform this court that Mr. Ritter's affidavit is first published in this case but Mr. Elliott cites several legal matters when Mr. Ritter's affidavit lay silent or unnoticed.

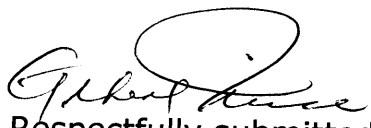
See attached hereto a case action summary sheets/docket sheet for all case cited by Mr. Elliott. Also, the claim that a bankruptcy matter was dismissed is a misstatement of fact. Judge Williams did not issue ruling on American General Finance, Incorporated motion as cited by Mr. Elliott.

The claim that Pierce failed to file a stay of proceedings while on appeal in bankruptcy proceedings is also a misstatement of fact. The appeal papers were stolen and so noted by the federal court after Pierce approached the federal government in Washington D.C.

The claim that Arbitration is known to American General Finance, Incorporated, is not evident in the fact that they have proceeded against Pierce knowing the very fact that Arbitration is enforceable. All of which is causing Pierce to proceed in federal court.

This is the first case to be prosecuted by Pierce against American General Finance, Incorporated.

Wherefore, Pierce seeks an opportunity to proceed in this case and ask that this honorable court recognize that the motion of Mr. Elliott is due to be denied and that a FRCP 12 (e) concern be recognized in an attempt to be fair to all parties involved.


Respectfully submitted:

112 Knollwood Blvd.
Montgomery, Alabama 36117

** Stated under penalty of perjury.*

Certificate of service

I hereby certify that I have served a copy of the foregoing document by U.S. Mail on this the 23rd day of April, 2007:

Mr. David A. Elliott
420 North 20th Street
3100 Wachovia Tower
Birmingham, Alabama 35203

s/Atheal Pierce 

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1. Bankruptcy Docket Report - 05-31205 - 28pp.
 2. District Court Docket Report - 05-CV-01014 - 7pp.
 3. District Court Docket Report - 06-CV 414 - 4pp.
 4. District Court Docket Report - 06-985 - 2pp.
-

1. Alabama Supreme Court Docket Sheet - 1060060 - 2pp.
2. Alabama Circuit Court Docket Sheet - 05-3197 - 3pp.

180BAR, CLOSED, FeeDueOTH

**U.S. Bankruptcy Court
Middle District of Alabama (Montgomery)
Bankruptcy Petition #: 05-31205
Internal Use Only**

Assigned to: Dwight H. Williams Jr.
Chapter 13
Voluntary
Asset

Date Filed: 04/26/2005
Date Reopened(1):
01/24/2006
Date Terminated:
07/13/2006

Debtor

Atheal Pierce

112 Knollwood Blvd.
Montgomery, AL 36117
334-215-7525
SSN: 257-54-2858

represented by **Atheal Pierce**
PRO SE

**James Edward Walker ,
III**

Shinbaum, Abell, McLeod
& Vann

566 S. Perry St.

P.O. Box 201

Montgomery, AL

36101-0201

334 262-2346

Email:

james.walker@samvpc.com

TERMINATED: 08/15/2005

Bankruptcy Admin.

Bankruptcy Administrator

U. S. Bankruptcy Administrator

One Church Street

Montgomery, AL 36104

Trustee

Curtis C. Reding

P. O. Box 173

Montgomery, AL 36101

334 262-8371

represented by **Sabrina L. McKinney**

P. O. Box 173

Montgomery, AL 36101

334-262-8371

Fax : 334-834-7635

Email:

mckinneys@ch13mdal.com

Filing Date	#	Docket Text
04/26/2005	<u>1</u>	Chapter 13 Voluntary Petition. Receipt Number 05000995, Fee Amount \$50.00. Filed by Atheal Pierce . (JI,) Modified on 4/26/2005 (JI,). (Entered: 04/26/2005)
04/27/2005	<u>2</u>	First Meeting of Creditors, Trustee and Deadlines Assigned. Section 341(a) Meeting of Creditors to be held 05/26/2005 at 01:30 PM in 341 Meeting of Creditors (4E), U.S. Bankruptcy Court, One Church Street, Montgomery, AL. Confirmation hearing to be held 06/27/2005 at 09:30 AM in Courtroom 4C, Judge Williams Presiding, U.S. Bankruptcy Court, Montgomery, AL. The Trustee appointed to this case is Curtis C. Reding. Deadline to file Proofs of Claim is 08/26/2005. (Entered: 04/27/2005)
04/27/2005	<u>3</u>	Clerk's Notice on the following Deficiency(s): MISSING SUMMARY OF SCHEDULES & CHAPTER 13 PLAN. (RE: related document(s) Voluntary Petition (Chapter 13)). Incomplete Filings due by 5/12/2005. (CBS,) (Entered: 04/27/2005)
04/27/2005		New Case Received and Reviewed for Accuracy. (CBS,) (Entered: 04/27/2005)

04/27/2005	● <u>4</u>	Application to Pay Filing Fee in Installments. Filed by Atheal Pierce. (JT,) (Entered: 04/27/2005)
04/27/2005	● <u>5</u>	Order Approving Payment of Filing Fee Installments (Certificate of Service will be filed within 5 days) Entered On 4/27/2005. Final Installment Payment due by 8/25/2005. (JT,) (Entered: 04/27/2005)
04/29/2005	● <u>6</u>	BNC Certificate of Service - Meeting of Creditors - (RE: related document(s) <u>2</u> Auto Assign Meeting of Creditors-Ch 13,). No. of Notices: 13. Service Date 04/29/2005. (Admin.) (Entered: 04/30/2005)
04/29/2005	● <u>7</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>3</u> Clerk's Notice of Deficiency). No. of Notices: 3. Service Date 04/29/2005. (Admin.) (Entered: 04/30/2005)
04/29/2005	● <u>8</u>	BNC Certificate of Service - Order Approving Payment of Filing Fee Installments - (RE: related document(s) <u>5</u> Order Approving Payment of Filing Fee Installments). No. of Notices: 1. Service Date 04/29/2005. (Admin.) (Entered: 04/30/2005)
05/12/2005	● <u>9</u>	Summary of Schedules Filed by Atheal Pierce. (YP,) (Entered: 05/13/2005)
05/12/2005	● <u>10</u>	Chapter 13 Plan. The Plan will be noticed by the clerk's office and the certificate of service will be filed within 5 working days. Filed by Atheal Pierce. (YP,) (Entered: 05/13/2005)
05/13/2005		Deadlines terminated on Incomplete Filings Due, RE: 3 Clerk's Notice of Deficiency Due:

		05/12/2005.. (YP,) (Entered: 05/13/2005)
05/15/2005	● <u>11</u>	BNC Certificate of Service - Chapter 13 Plan - (RE: related document(s) <u>10</u> Chapter 13 Plan). No. of Notices: 13. Service Date 05/15/2005. (Admin.) (Entered: 05/16/2005)
05/17/2005	● <u>12</u>	Notice of Appearance and Request for Notice Filed by Leonard-PP N. Math on behalf of Havenwood Village Condominium Association, Inc.. (Math, Leonard-PP) (Entered: 05/17/2005)
06/01/2005	● <u>13</u>	Proceeding Memo - Continuance. (Non-Image Entry) Filed by Trustee Curtis C. Reding (RE: related document(s) <u>2</u> Auto Assign Meeting of Creditors-Ch 13,). Section 341(a) Meeting of Creditors to be held on 6/9/2005 at 01:30PM at 341 Meeting of Creditors (4E), U.S. Bankruptcy Court, One Church Street, Montgomery, AL. Confirmation hearing to be held on 7/11/2005 at 09:30 AM at Courtroom 4C, Judge Williams Presiding, U.S. Bankruptcy Court, Montgomery, AL. (Reding, Curtis-MM) (Entered: 06/01/2005)
06/09/2005	● <u>14</u>	Emergency Motion to Extend Time <i>The Time To File Plan By Several Days For Good And Just Cause</i> Filed by Atheal Pierce. (JT,) (Entered: 06/09/2005)
06/10/2005	● <u>15</u>	Proceeding Memo - Hearing Held (Non-Image Entry) Filed by Trustee Curtis C. Reding (RE: related document(s)[<u>13</u>] Proceeding Memo, filed by Trustee Curtis C. Reding). (Reding, Curtis-MM) (Entered: 06/10/2005)
06/10/2005	● <u>16</u>	Notice of Hearing Set (RE: related document(s) <u>14</u> Motion to Extend Time To File Plan By Several

		Days For Good And Just Cause Filed by Atheal Pierce. Hearing scheduled for 6/20/2005 at 09:15 AM at Courtroom 4C, Judge Williams Presiding, U.S. Bankruptcy Court, Montgomery, AL. (JV,) (Entered: 06/10/2005)
06/12/2005	● <u>17</u>	BNC Certificate of Service - Hearing - (RE: related document(s) <u>16</u> Hearing (Bk), Hearing (Bk)). No. of Notices: 1. Service Date 06/12/2005. (Admin.) (Entered: 06/13/2005)
06/15/2005	● <u>18</u>	Motion for Relief from Stay <i>for American General Finance</i> . Fee Amount \$150. Filed by Charles-GH Parnell on behalf of c/o Parnell & Crum American General Finance. Responses due by 8/1/2005. (Parnell, Charles-GH) (Entered: 06/15/2005)
06/15/2005	19	Receipt of Motion for Relief From Stay(05-31205) [motion,mrlfsty] (150.00) filing fee. Receipt number 1431655, amount \$ 150.00. (U.S. Treasury) (Entered: 06/15/2005)
06/22/2005	● <u>20</u>	Order Dismissing Motion to Extend Time To File Plan (Related Doc # <u>14</u>) Entered On 6/22/2005. (JT,) (Entered: 06/22/2005)
06/24/2005	● <u>21</u>	Receipt of Final Installment Payment. Receipt Number 5001487, Fee Amount \$144.00. (Non-Image Entry) (RE: related document(s) <u>2</u> Order Approving Payment of Filing Fee Installments). (EW,) (Entered: 06/24/2005)
06/24/2005	● <u>22</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>20</u> Order on Motion to Extend Time). No. of Notices: 1. Service Date 06/24/2005. (Admin.) (Entered: 06/25/2005)

06/28/2005	● <u>23</u>	Withdrawal of Claim Number(s) 7. Filed by Leonard-PP N. Math on behalf of Atheal Pierce. (Becker, Elizabeth) (Entered: 06/28/2005)
07/08/2005	● <u>24</u>	Amended Petition & Schedules. <i>amended schedules and all schedules</i> Filed by James Edward Walker on behalf of Atheal Pierce (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 13) filed by Debtor Atheal Pierce). (Attachments: # <u>1</u> expenses of washhouse) (Walker, James) Modified text to add petition on 7/8/2005 (JT,). (Entered: 07/08/2005)
07/08/2005	● <u>25</u>	Chapter 13 Plan. The Plan will be noticed by the clerk's office and the certificate of service will be filed within 5 working days. Filed by James Edward Walker on behalf of Atheal Pierce. (Walker, James) (Entered: 07/08/2005)
07/08/2005	● <u>26</u>	Declaration re: Electronic Filing Filed by James Edward Walker on behalf of Atheal Pierce (RE: related document(s) <u>24</u> Amended Schedules (No Fee), Amended Schedules (No Fee) filed by Debtor Atheal Pierce, <u>25</u> Chapter 13 Plan filed by Debtor Atheal Pierce). (Walker, James) (Entered: 07/08/2005)
07/08/2005	● <u>27</u>	James Edward Walker is to pay the outstanding \$26.00 regarding Clerk's Notice of Fees Due for Modifying Schedules D/E/F or List of Creditors. Please pay this electronically via CM/ECF. Select, under the Miscellaneous Menu, Payment on Clerk's Notice of Fees Due for Modifying Schedules D/E/F or List of Creditors. (RE: related document(s) <u>24</u> Amended Schedules (No Fee), Amended Schedules (No Fee)). (JT,) (Entered: 07/08/2005)

07/08/2005	●28	Notice of Submission Error requiring refiling. The Original Plan Was Filed And Served By The Court In Docket Entry's [10 & <u>11</u> . You Will Need To Serve This Plan, Refile>Bankruptcy>Plan>Amended Plan. Please refile using the correct ECF docket event or corrected document within 7 days or your pleading may be dismissed. (RE: related document(s) <u>25</u> Chapter 13 Plan). Incomplete Filings due by 7/15/2005. (JT,) . (Entered: 07/08/2005)
07/08/2005		Flags:AwCAact26 flag(s) removed, plan was served by the court in docket entries <u>10</u> & <u>11</u> . Attorney should file an amended plan and serve creditors. (JT,) (Entered: 07/08/2005)
07/11/2005	● <u>29</u>	Amended/Modified Chapter 13 Plan Filed by James Edward Walker on behalf of Atheal Pierce (RE: related document(s)[28] Notice of Submission Error/Refiling,). (Walker, James) (Entered: 07/11/2005)
07/11/2005	●30	Payment of fee amount \$26 for Clerk's Notice of Fees Due for Modifying Schedules D/E/F or List of Creditors Filed by James Edward Walker on behalf of Atheal Pierce. (Walker, James) (Entered: 07/11/2005)
07/11/2005	31	Receipt of Payment on Clerk's Notice of Fees Due for Modifying Schedules D/E/F or List of Creditors(05-31205) [misc,mserv] (26.00) filing fee. Receipt number 1460966, amount \$ 26.00. (U.S. Treasury) (Entered: 07/11/2005)
07/11/2005	● <u>32</u>	Notice of Appearance and Request for Notice Filed by James Edward Walker on behalf of

		Atheal Pierce. (Attachments: # <u>1</u> matrix) (Walker, James) (Entered: 07/11/2005)
07/11/2005	● <u>33</u>	Notice of Appearance and Request for Notice (B). (Walker, James) (Entered: 07/11/2005)
07/12/2005		Deadlines terminated Regarding Notice Of Submission Error docket entry [28], refiled as docket entry <u>29</u> . (JT,) (Entered: 07/12/2005)
07/12/2005	●	Notice is hereby given that all matters set for hearing before Hon. Dwight H. Williams, Jr. at the United States Courthouse in Montgomery, AL on July 11, 2005 have been continued to August 1, 2005 at the same times and location as originally scheduled.. (YP,) (Entered: 07/12/2005)
07/12/2005	● <u>34</u>	Notice of Rescheduled Confirmation Hearing (RE: related document(s)[13] Proceeding Memo,, <u>2</u> Auto Assign Meeting of Creditors-Ch 13,). Confirmation hearing to be held on 8/1/2005 at 09:30 AM at Courtroom 4C, Judge Williams Presiding, U.S. Bankruptcy Court, Montgomery, AL. (YP,) (Entered: 07/12/2005)
07/13/2005	● <u>35</u>	Amended/Modified Chapter 13 Plan Filed by Debtor Atheal Pierce on behalf of Atheal Pierce (RE: related document(s) <u>29</u> Amended/Modified Chapter 13 Plan filed by Debtor Atheal Pierce). (JT,) Modified text to show debtor as filer not attorney James Walker on 7/13/2005 (JT,). (Entered: 07/13/2005)
07/13/2005	● <u>36</u>	Amended Petition, Summary Of Schedules, Schedules & Declaration, Statement Of Financial Affairs And Attorney's Disclosure Statement &

		Matrix Filed by Atheal Pierce, Debtor (RE: related document(s) <u>24</u> Amended Petition & Schedules filed by Athel Pierce). (JT,) Modified text to show filed by Athel Pierce not James Walker on 8/25/2005 (JT,). (Entered: 07/13/2005)
07/13/2005	● <u>37</u>	Atheal Pierce, debtor is to pay the outstanding \$26.00 regarding Clerk's Notice of Fees Due for Modifying Schedules D/E/F or List of Creditors. Please pay this electronically via CM/ECF. Select, under the Miscellaneous Menu, Payment on Clerk's Notice of Fees Due for Modifying Schedules D/E/F or List of Creditors. Receipt #5001622 Fee Amount \$26.00. (RE: related document(s) <u>36</u> Amended Petition & Schedules (Creditors were deleted and added). (JT,) Modified receipt on 7/19/2005 (CBM,). (Entered: 07/13/2005)
07/14/2005	● <u>38</u>	Motion to Withdraw as Attorney Filed by James Edward Walker on behalf of Atheal Pierce. (Attachments: # <u>1</u> matrix) (Walker, James) (Entered: 07/14/2005)
07/14/2005	● <u>39</u>	BNC Certificate of Service - Hearing - (RE: related document(s) <u>34</u> Confirmation Hearing Rescheduled,). No. of Notices: 21. Service Date 07/14/2005. (Admin.) (Entered: 07/15/2005)
07/15/2005	● <u>40</u>	Motion to Set Hearing Filed by Britt-AM Griggs on behalf of c/o Parnell & Crum American General Finance (RE: related document(s) <u>18</u> Motion for Relief From Stay filed by Creditor c/o Parnell & Crum American General Finance). (Griggs, Britt-AM) (Entered: 07/15/2005)

07/15/2005	● <u>41</u>	Notice of Hearing Set (RE: related document(s) <u>38</u> Motion to Withdraw as Attorney. Hearing scheduled for 8/8/2005 at 09:15 AM at Courtroom 4C, Judge Williams Presiding, U.S. Bankruptcy Court, Montgomery, AL. (JV,) (Entered: 07/15/2005)
07/17/2005	● <u>42</u>	BNC Certificate of Service - Hearing - (RE: related document(s) <u>41</u> Hearing (Bk)). No. of Notices: 2. Service Date 07/17/2005. (Admin.) (Entered: 07/18/2005)
07/18/2005	● <u>43</u>	Notice of Hearing Set (RE: related document(s) <u>18</u> Motion for Relief From Stay, <u>40</u> Motion to Set Hearing). Hearing scheduled for 8/8/2005 at 09:15 AM at Courtroom 4C, Judge Williams Presiding, U.S. Bankruptcy Court, Montgomery, AL. (JC,) (Entered: 07/18/2005)
07/20/2005	● <u>44</u>	BNC Certificate of Service - Hearing - (RE: related document(s) <u>43</u> Hearing (Bk)). No. of Notices: 5. Service Date 07/20/2005. (Admin.) (Entered: 07/21/2005)
07/25/2005		Flags: FeeDueServ flag(s) removed. Fee was paid (JGC,) (Entered: 07/25/2005)
08/02/2005	● <u>45</u>	Objection To Motion To Lift Stay Filed by Atheal Pierce (RE: related document(s) <u>18</u> Motion for Relief From Stay filed by Creditor c/o Parnell & Crum American General Finance). (JT,) (Entered: 08/02/2005)
08/02/2005	● <u>46</u>	Objection To Motion For Relief From Stay Filed by Atheal Pierce (RE: related document(s) <u>18</u> Motion for Relief From Stay filed by Creditor c/o Parnell & Crum American General Finance). (JT,

) (Entered: 08/02/2005)
08/02/2005	● <u>47</u>	RESCHEDULED Meeting of Creditors Chapter 13 and Notice of Confirmation Hearing (Non-Image Entry) Section 341(a) Meeting of Creditors to be held on 8/25/2005 at 01:30PM at 341 Meeting of Creditors (4E), U.S. Bankruptcy Court, One Church Street, Montgomery, AL. Proofs of Claims due by 11/23/2005. Confirmation hearing to be held on 9/19/2005 at 09:30 AM at Courtroom 4C, Judge Williams Presiding, U.S. Bankruptcy Court, Montgomery, AL. (JV,) (Entered: 08/02/2005)
08/04/2005	● <u>48</u>	Order Rescheduling Meeting Of Creditors/Order Continuing Confirmation Hearing Hearing Entered On 8/4/2005 (RE: related document(s) <u>34</u> Confirmation Hearing Rescheduled,). Section 341(a) Meeting of Creditors to be held on 8/25/2005 at 01:30PM at 341 Meeting of Creditors (4E), U.S. Bankruptcy Court, One Church Street, Montgomery, AL. Confirmation hearing to be held on 9/19/2005 at 09:30 AM at Courtroom 4C, Judge Williams Presiding, U.S. Bankruptcy Court, Montgomery, AL. (JT,) (Entered: 08/04/2005)
08/04/2005	● <u>49</u>	BNC Certificate of Service - Meeting of Creditors - (RE: related document(s) <u>47</u> Mtg of Creditors Chapter 13 and Notice of Confirmation Hrg,). No. of Notices: 23. Service Date 08/04/2005. (Admin.) (Entered: 08/05/2005)
08/06/2005	● <u>50</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>48</u> Order to Continue/Reschedule Hearing,). No. of Notices: 19. Service Date 08/06/2005. (Admin.) (Entered: 08/06/2005)

		08/07/2005)
08/15/2005	● <u>51</u>	Order Granting Motion To Withdraw As Attorney (James E. Walker, III) (Related Doc # <u>38</u>) Entered On 8/15/2005. (JT,) (Entered: 08/15/2005)
08/15/2005	● <u>52</u>	Order Conditionally Granting Motion For Relief From Stay (Related Doc # <u>18</u>) Entered On 8/15/2005. (JT,) (Entered: 08/15/2005)
08/17/2005	● <u>53</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>51</u> Order on Motion to Withdraw as Attorney). No. of Notices: 2. Service Date 08/17/2005. (Admin.) (Entered: 08/18/2005)
08/17/2005	● <u>54</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>52</u> Order on Motion For Relief From Stay). No. of Notices: 2. Service Date 08/17/2005. (Admin.) (Entered: 08/18/2005)
08/25/2005	● <u>55</u>	Motion to Reconsider <i>Order Conditionally Granting Motion For Relief From Stay Re: Document(s) 52</i> Filed by Atheal Pierce. (JT,) (Entered: 08/25/2005)
08/26/2005	● <u>56</u>	Proceeding Memo - Hearing Held (Non-Image Entry) Filed by Trustee Curtis C. Reding (RE: related document(s) <u>47</u> Mtg of Creditors Chapter 13 and Notice of Confirmation Hrg., <u>48</u> Order to Continue/Reschedule Hearing,). (Reding, Curtis-MM) (Entered: 08/26/2005)
08/26/2005	● <u>57</u>	Notice of Hearing Set (RE: related document(s) <u>55</u> Motion to Reconsider Order Conditionally Granting Motion For Relief From Stay Re: Document(s) <u>52</u> Filed by Atheal Pierce. (JT).

		Hearing scheduled for 9/12/2005 at 09:15 AM at Courtroom 4C, Judge Williams Presiding, U.S. Bankruptcy Court, Montgomery, AL. (JV,) (Entered: 08/26/2005)
08/28/2005	● <u>58</u>	BNC Certificate of Service - Hearing - (RE: related document(s) <u>57</u> Hearing (Bk), Hearing (Bk)). No. of Notices: 3. Service Date 08/28/2005. (Admin.) (Entered: 08/29/2005)
09/07/2005	● <u>59</u>	Notice <i>Of Payments To American General Re: related document(s) 52, 55</i> . Filed by Paul Pogue. (JT,) (Entered: 09/07/2005)
09/08/2005	● <u>60</u>	Motion to Dismiss Case <i>Motion to Dismiss Requesting 180-Day Bar Against Refiling</i> Filed by Britt-AM Griggs on behalf of c/o Parnell & Crum American General Finance. (Griggs, Britt-AM) Modified text to unterm motion on 9/22/2005 (JT,). (Entered: 09/08/2005)
09/09/2005	● <u>61</u>	Notice of Hearing Set (RE: related document(s) <u>60</u> Motion to Dismiss Case Requesting 180-Day Bar Against Refiling Filed by Britt-AM Griggs on behalf of c/o Parnell & Crum American General Finance.. Hearing scheduled for 9/19/2005 at 09:15 AM at Courtroom 4C, Judge Williams Presiding, U.S. Bankruptcy Court, Montgomery, AL. (JV,) (Entered: 09/09/2005)
09/11/2005	● <u>62</u>	BNC Certificate of Service - Hearing - (RE: related document(s) <u>61</u> Hearing (Bk), Hearing (Bk)). No. of Notices: 3. Service Date 09/11/2005. (Admin.) (Entered: 09/12/2005)
09/12/2005	● <u>63</u>	Notice <i>Of Request For Dismissal By Debtor</i> Filed by Atheal Pierce. (JT,) (Entered: 09/12/2005)

09/12/2005	● <u>64</u>	Notice of Submission Error requiring refile. (Document Filed As Notice Of Request For Dismissal By Debtor. Refile Document Styled As Debtor's Voluntary Motion To Dismiss Chapter 13 Case) Please refile using the correct ECF docket event or corrected document within 7 days or your pleading may be dismissed. (RE: related document(s) <u>63</u> Notice). Incomplete Filings due by 9/19/2005. (JT,) Document manually mailed to debtor 9/19/2005. (Entered: 09/12/2005)
09/12/2005	● <u>65</u>	Trustee's Objection to Confirmation of Chapter 13 Plan. (Reding, Curtis-QS) (Entered: 09/12/2005)
09/15/2005	● <u>66</u>	Order Dismissing Bankruptcy Case; Order Prohibiting Debtor From Refiling Another Bankruptcy Case for 180 Days Case Entered On 9/15/2005 (RE: related document(s) <u>55</u> Motion to Reconsider filed by Debtor Atheal Pierce, <u>63</u> Notice filed by Debtor Atheal Pierce, <u>60</u> Motion to Dismiss Case filed by Creditor c/o Parnell & Crum American General Finance). (YP,) (Entered: 09/15/2005)
09/15/2005	●	Other Deadlines Updated (Non-Image Entry) (RE: related document(s) <u>66</u> Order Dismissing Case,). 180 Day Bar Against Refiling Another Case ends on 3/15/2006. (YP,) (Entered: 09/15/2005)
09/15/2005		Motion terminated. (RE: related document(s) <u>55</u> Motion to Reconsider, <u>60</u> Motion to Dismiss Case) (Order entered 9/15/05, DE #66). (YP,) (Entered: 09/15/2005)
09/17/2005	● <u>67</u>	BNC Certificate of Service - See Image Attached

		- (RE: related document(s) <u>66</u> Order Dismissing Case,). No. of Notices: 21. Service Date 09/17/2005. (Admin.) (Entered: 09/18/2005)
09/22/2005	● <u>68</u>	Order Dismissing Motion to Dismiss Case As Moot (Related Doc # <u>60</u>) Entered On 9/22/2005. (JT,) . (Entered: 09/22/2005)
09/22/2005	● <u>69</u>	Order Dismissing Objection To Confirmation As Moot Entered On 9/22/2005 (RE: related document(s) <u>65</u> Trustee's Objection to Confirmation of Plan). (JT,) (Entered: 09/22/2005)
09/24/2005	● <u>70</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>68</u> Order on Motion to Dismiss Case). No. of Notices: 2. Service Date 09/24/2005. (Admin.) (Entered: 09/25/2005)
09/24/2005	● <u>71</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>69</u> Order on Objection). No. of Notices: 1. Service Date 09/24/2005. (Admin.) (Entered: 09/25/2005)
09/28/2005	● <u>72</u>	Final Report and Final Account of Ch 13 Trustee (Payments to Creditors). (Reding, Curtis-EC) (Entered: 09/28/2005)
09/28/2005	● <u>73</u>	Notice of Appeal. Receipt Number 5002688 Fee Amount \$255.00. Filed by Atheal Pierce (RE: related document(s) <u>66</u> Order Dismissing Case,). Appellant Designation due by 10/11/2005. Transmission of Designation Due by 10/18/2005. (YP,) . Modified on 11/10/2005 (JI,). (Entered: 09/28/2005)

09/28/2005	● <u>74</u>	Notice /Clerk's Notice on the following deficiency(s): (RE: related document(s) <u>73</u> Filed by. (YP,) (Entered: 09/28/2005)
09/29/2005	● <u>75</u>	Certificate of Service Filed by Douglas F. Young (RE: related document(s) <u>74</u> Notice). (DY,) (Entered: 09/29/2005)
10/05/2005	● <u>76</u>	Transfer of Claim. Transfer Agreement 3001 (e) 2 Transferors:Citibank N.A.(Claim No.6, Amount 73989.35) To United Studnet Aid Funds Filed by United Student Aid Funds, Inc.. (EW,) (Entered: 10/05/2005)
10/12/2005	● <u>77</u>	Designation of Record and Statement of Issues on Appeal, Filed by Atheal Pierce (RE: related document(s) <u>73</u> Notice of Appeal filed by Debtor Atheal Pierce, <u>74</u> Notice). (JT,) (Entered: 10/12/2005)
10/12/2005	● <u>78</u>	Request for Transcript re: Appeal Filed by Atheal Pierce. Transcript Due by 11/14/2005. (JT,) (Entered: 10/12/2005)
10/20/2005	● <u>79</u>	Trustee's Motion to Dismiss Appeal Filed by Sabrina L. McKinney on behalf of Curtis C. Reding. (McKinney, Sabrina) Modified on 10/20/2005 (DY,). (Entered: 10/20/2005)
10/20/2005	● <u>80</u>	Appellee Designation of Contents for Inclusion in Record and Issues On Appeal Filed by Sabrina L. McKinney on behalf of Curtis C. Reding (RE: related document(s) <u>77</u> Designation of Record and Statement of Issues on Appeal filed by Debtor Atheal Pierce, <u>73</u> Notice of Appeal filed by Debtor Atheal Pierce). (McKinney, Sabrina) (Entered: 10/20/2005)

10/21/2005	● <u>81</u>	Transmittal of Record on Appeal to U.S. District Court Filed by Atheal Pierce (RE: related document(s) <u>73</u> Notice of Appeal filed by Debtor Atheal Pierce). (JT,) Case no. assigned by U.S. District Court 2:05CV1014T Modified text to add case number on 10/24/2005 (JT,). (Entered: 10/21/2005)
11/10/2005	● <u>82</u>	Receipt of Appeal Filing Fee - \$255.00 by JI. Receipt Number (admin) (Entered: 11/10/2005)
11/15/2005		Deadlines terminated Re: Related document(s) <u>78</u> , Request For Transcript. Fee has been paid for transcripts. (JT,) . Modified text to show fee paid on 11/30/2005 (JT,). (Entered: 11/15/2005)
11/30/2005	● <u>83</u>	Transcript: August 8, 2005 and September 12, 2005 Hearings (fee paid for transcripts) Re: Appeal (DH,) Modified text on 2/16/2006 (YP,). (Entered: 11/30/2005)
01/09/2006	● <u>84</u>	OPINION By District Court Judge Myron H. Thompson, Re: Appeal on Civil Action Number: 2:05cv1014-T, (Non-Image Entry) Entered On 1/9/2006 (RE: related document(s) <u>73</u> Notice of Appeal, filed by Debtor Atheal Pierce). (YP,) (Entered: 01/09/2006)
01/09/2006	● <u>85</u>	Final Order/JUDGMENT By District Court Judge Myron H. Thompson, Re: Appeal on Civil Action Number: 2:05cv1014-T, Judgment (Non-Image Entry) Entered On 1/9/2006 (RE: related document(s) <u>73</u> Notice of Appeal, filed by Debtor Atheal Pierce). (YP,) (Entered: 01/09/2006)
01/09/2006	● <u>86</u>	Order Discharging Standing Trustee, Releasing Bond Liability and Closing Case: It appearing to

		the Court that the trustee in this case has performed all of the duties required of him in the administration of this case; that he has made distribution by order of this Court, and has rendered a full and complete account thereof, and no adverse interest being represented; It is therefore ORDERED that the Ch 12/13 trustee be discharged and relieved of his trust, and that he and the sureties on this bond be released from further liability thereunder; It is further Ordered that this case be, and the same is hereby CLOSED. U.S. Bankruptcy Judge (Non-Image Entry). (JT,) (Entered: 01/09/2006)
01/09/2006	●87	Bankruptcy Case Closed (Non-Image Entry). (JT,) (Entered: 01/09/2006)
01/09/2006		Flags: DISMISSED flag(s) set. (JT,) (Entered: 01/09/2006)
01/24/2006	●88	Order Reopening Case (Administrative Error) Entered On 1/24/2006 (RE: related document(s)[86] Order Discharging Standing Trustee, Releasing Bond Liability and Closing Case,,, [87] Close Bankruptcy Case). Reopen Case Review/Closing due by 3/24/2006. (YP,) (Entered: 01/24/2006)
01/24/2006	●89	Emergency Motion <i>To Correct The Clerk's Record</i> Filed by Atheal Pierce (RE: related document(s) <u>77</u> Designation of Record and Statement of Issues on Appeal filed by Debtor Atheal Pierce, <u>73</u> Notice of Appeal, filed by Debtor Atheal Pierce, <u>78</u> Request for Transcript re: Appeal filed by Debtor Atheal Pierce, <u>46</u> Objection filed by Debtor Atheal Pierce). (YP,) (Entered: 01/24/2006)

01/24/2006	● <u>90</u>	Order Transmitting Motion To District Court (Related Doc # <u>89</u>) Entered On 1/24/2006. (JT,) (Entered: 01/24/2006)
01/26/2006	● <u>91</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>90</u> Order). No. of Notices: 1. Service Date 01/26/2006. (Admin.) (Entered: 01/27/2006)
02/02/2006		Flags: APPEAL flag(s) set. (JT,) (Entered: 02/02/2006)
02/14/2006	● <u>92</u>	Emergency Motion <i>For Complete Relief 9/12/05 To Present</i> Filed by Atheal Pierce. (JT,) Additional attachment(s) added, Order Dismissing Bankruptcy Case, Order Prohibiting Debtor From Refiling Another Bankruptcy Case For 180 Days dated September 15, 2005 Added on 2/14/2006 (JT,). (Entered: 02/14/2006)
02/14/2006	● <u>93</u>	Order Transmitting Motion To District Court Entered On 2/14/2006 (RE: related document(s) <u>92</u> Emergency Motion For Complete Relief 9/12/05 To Present filed by Debtor Atheal Pierce). (JT,) (Entered: 02/14/2006)
02/16/2006	● <u>94</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>93</u> Order). No. of Notices: 1. Service Date 02/16/2006. (Admin.) (Entered: 02/17/2006)
02/21/2006	● <u>95</u>	Opinion and Judgment By District Court Judge Myron Thompson Affirming Appealed Order of Bankruptcy Court. Civil Action Number: 05-cv-1014 (Non-Image Entry) Entered On 2/21/2006 (RE: related document(s) <u>73</u> Notice of

		Appeal, filed by Debtor Atheal Pierce). (DY,) (Entered: 03/06/2006)
03/27/2006	● <u>96</u>	Motion to Reinstate Case Filed by Atheal Pierce. (JT,) (Entered: 03/28/2006)
03/28/2006	●	Case could not be closed because Motion To Reinstate Case Filed 3/27/2006.. Close Case Follow Up Review due on 4/27/2006. (JT,) (Entered: 03/28/2006)
03/28/2006		Deadlines terminated Re: related document(s) <u>88</u> Reopen Case Review/Closing termed. New deadline set for close case. (JT,) (Entered: 03/28/2006)
03/28/2006	● <u>97</u>	Notice of Hearing Set (RE: related document(s) <u>96</u> Motion to Reinstate Case). Hearing scheduled for 4/10/2006 at 09:15 AM at Courtroom 4C, Judge Williams Presiding, U.S. Bankruptcy Court, Montgomery, AL. (JC,) (Entered: 03/28/2006)
03/29/2006	● <u>98</u>	Certificate of Service Filed by Douglas F. Young (RE: related document(s) <u>97</u> Hearing (Bk)). (DY,) (Entered: 03/29/2006)
03/30/2006	● <u>101</u>	BNC Certificate of Service - Hearing - (RE: related document(s) <u>97</u> Hearing (Bk)). No. of Notices: 22. Service Date 03/30/2006. (Admin.) (Entered: 04/11/2006)
04/03/2006	● <u>99</u>	Trustee's Objection to <i>Debtor's Motion to Continue the Open Status of the Case and Trustee's Response to Motion to Withdraw Request for Dismissal and for Reinstatement of Third Petition</i> . Filed by Curtis-QS Reding on

		<p>behalf of Curtis C. Reding (RE: related document(s)<u>96</u> Motion to Reinstate Case filed by Debtor Atheal Pierce). (Attachments: #<u>1</u> Exhibit ORDER DENYING TO PROCEED IN FORMA PAUPERIS# <u>2</u> Exhibit ENTRY OF DISMISSAL OF APPEAL (11th CIR)# <u>3</u> Exhibit DISTRICT COURT APPEAL DOCKET SHEET# <u>4</u> Exhibit 11th CIRCUIT LTR CLERICALLY REINSTATING CASE# <u>5</u> Exhibit 11th CIR LTR TO APPELLANT OPPORTUNITY TO PAY OR FILE IFP) (Reding, Curtis-QS) (Entered: 04/03/2006)</p>
04/07/2006	● <u>100</u>	<p>Pierce's Response To Trustee's Motion Filed April 3, 2006 Filed by Atheal Pierce (RE: related document(s)<u>99</u> Trustee's Objection To Debtor's Motion To Continue The Open Status Of The Case And Trustee's Response To Motion To Withdraw Request For Dismissal And For Reinstatement of The Third Petition filed by Trustee Curtis C. Reding). (JT,) (Entered: 04/10/2006)</p>
04/13/2006		<p>Matter Under Advisement Re: (RE: related document(s)<u>96</u> Motion to Reinstate Case). Matter Under Advisement Due by 4/10/2006. (FG,) (Entered: 04/13/2006)</p>
04/17/2006		<p>Matter Under Advisement Complete. Order entered denying motion to reinstate case. (RE: related document(s) Set Matter Under Advisement Deadline). (AW,) (Entered: 04/17/2006)</p>
04/17/2006	● <u>102</u>	<p>MEMORANDUM DECISION/OPINION - Entered On 4/17/2006 (RE: related document(s)<u>96</u> Motion to Reinstate Case filed by</p>

		Debtor Atheal Pierce). (JT,) (Entered: 04/17/2006)
04/17/2006	● <u>103</u>	Order Denying Motion To Reinstate Case (Related Doc # <u>96</u>) Entered On 4/17/2006. (JT,) (Entered: 04/17/2006)
04/17/2006		CA Remark-Do Not Close Case, Case Is Still Pending On Appeal In The 11th Circuit. (JT,) (Entered: 04/17/2006)
04/19/2006	● <u>104</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>102</u> Opinion). No. of Notices: 3. Service Date 04/19/2006. (Admin.) (Entered: 04/20/2006)
04/19/2006	● <u>105</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>103</u> Order on Motion to Reinstate Case). No. of Notices: 3. Service Date 04/19/2006. (Admin.) (Entered: 04/20/2006)
04/21/2006	● <u>106</u>	Notice of Appeal (second). Receipt Number Not Paid, Fee Amount \$255. Filed by Atheal Pierce (RE: related document(s) <u>102</u> Opinion, <u>103</u> Order on Motion to Reinstate Case). Appellant Designation due by 5/1/2006. Transmission of Designation Due by 5/11/2006. (YP,) . (Entered: 04/24/2006)
04/24/2006	● <u>107</u>	Notice/ <i>Clerk's Notice on the following deficiency(s): (Re: related document (s)<u>106</u></i> Filed by. (YP,) . (Entered: 04/24/2006)
04/24/2006	● <u>108</u>	Regenerate Form - utility event- (re <u>107</u>).. (YP,) (Entered: 04/24/2006)

04/24/2006	● <u>109</u>	Certificate of Service Filed by (RE: related document(s) <u>107</u> Notice). (YP,) (Entered: 04/24/2006)
04/26/2006	● <u>110</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>108</u> Regenerate Form - utility event.). No. of Notices: 1. Service Date 04/26/2006. (Admin.) (Entered: 04/27/2006)
04/26/2006	● <u>111</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>109</u> Certificate of Service). No. of Notices: 1. Service Date 04/26/2006. (Admin.) (Entered: 04/27/2006)
04/28/2006	●	Case could not be closed because New Appeal Filed (RE: related document(s) Close Case Follow Up Review - Cannot Close Case). Close Case Follow Up Review due on 6/30/2006. (JT,) (Entered: 04/28/2006)
05/01/2006	● <u>112</u>	Appellant's Motion <i>To Proceed Without The Pre Payment Of Fees</i> Filed by Atheal Pierce (RE: related document(s) <u>106</u> Notice of Appeal, filed by Debtor Atheal Pierce). (DS,) Modified text on 5/3/2006 (DS,). (Entered: 05/03/2006)
05/01/2006	● <u>113</u>	Appellant Designation of Contents For Inclusion in Record and Issues On Appeal Filed by Atheal Pierce (RE: related document(s) <u>106</u> Notice of Appeal, filed by Debtor Atheal Pierce). Appellee designation due by 5/11/2006. (DS,) (Entered: 05/03/2006)
05/01/2006	● <u>114</u>	PAYMENT RECEIVED WAS APPLIED TO APPEAL FROM DISTRICT COURT TO CIRCUIT COURT OF APPEALS. FEE FOR 2ND APPEAL FROM BANKRTUPCY COURT

		TO DISTRICT COURT HAS NOT BEEN RECEIVED.Submission of Documents: Notice of Payment of Fees (Money order retained by US District Court.) Filed by Atheal Pierce. (DS,) Modified text on 5/8/2006 (JGC,). Modified text on 5/10/2006 (DS,). (Entered: 05/03/2006)
05/04/2006	● <u>115</u>	Order Transmitting Motion To District Court (Related Doc # <u>112</u>) Entered On 5/4/2006. (DS,) (Entered: 05/04/2006)
05/04/2006	● <u>116</u>	Trustee's Response to <i>Debtor's motion to proceed on appeal without the prepayment of filing fees</i> Filed by Sabrina L. McKinney on behalf of Curtis C. Reding (RE: related document(s) <u>112</u> Motion filed by Debtor Atheal Pierce). (McKinney, Sabrina) (Entered: 05/04/2006)
05/05/2006	● <u>117</u>	Designation of Record and Statement of Issues on Appeal, <i>filed by Appellee</i> . Filed by Sabrina L. McKinney on behalf of Curtis C. Reding (RE: related document(s) <u>106</u> Notice of Appeal, filed by Debtor Atheal Pierce, <u>113</u> Appellant Designation and Issues on Appeal filed by Debtor Atheal Pierce). Appellee designation due by 5/15/2006. Appellant Designation due by 5/15/2006. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Exhibit # <u>7</u> Exhibit # <u>8</u> Exhibit # <u>9</u> Exhibit # <u>10</u> Exhibit # <u>11</u> Exhibit # <u>12</u> Exhibit # <u>13</u> Exhibit # <u>14</u> Exhibit # <u>15</u> Exhibit # <u>16</u> Exhibit # <u>17</u> Exhibit # <u>18</u> Exhibit # <u>19</u> Exhibit # <u>20</u> Exhibit # <u>21</u> Exhibit # <u>22</u> Exhibit # <u>23</u> Exhibit # <u>24</u> Exhibit # (25) Exhibit # <u>26</u> Exhibit # <u>27</u> Exhibit # <u>28</u> Exhibit # <u>29</u> Exhibit # <u>30</u> Exhibit # <u>31</u> Exhibit # <u>32</u> Exhibit # <u>33</u> Exhibit # <u>34</u> Exhibit # <u>35</u> Exhibit # <u>36</u> Exhibit # <u>37</u> Exhibit # <u>38</u> Exhibit # <u>39</u> Exhibit # <u>40</u> Exhibit # <u>41</u> Exhibit

		# <u>42</u> Exhibit # <u>43</u> Exhibit # <u>44</u> Exhibit)(McKinney, Sabrina) (Entered: 05/05/2006)
05/06/2006	● <u>118</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>115</u> Order). No. of Notices: 1. Service Date 05/06/2006. (Admin.) (Entered: 05/07/2006)
05/08/2006		Flags: FeeDueOTH flag(s) set - \$255.00 appeal fee not paid. (JGC,) (Entered: 05/08/2006)
05/08/2006	● <u>119</u>	Transmittal of Record on Appeal to U.S. District Court (<i>Second Appeal</i>) <i>Civil Docket</i> #2:06-cv-00414-MHT Filed by Atheal Pierce (RE: related document(s) <u>106</u> Notice of Appeal, filed by Debtor Atheal Pierce). (YP,) (Entered: 05/12/2006)
05/17/2006		Deadlines terminated re: Appellant Designation (rel doc#106 - submitted in Rel doc# 113) and Appellee Designation (rel doc# 113 - submitted in rel doc#117). (DS,) (Entered: 05/17/2006)
05/22/2006		Remark. Per phone conversation from Debbie Yates of District Court, Debtor's street address was changed from "112 Norwood" to "112 Knollwood". Address was originally changed from "Knollwood" to "Norwood" per amended petitions filed on 7/8/05 and 7/13/05 by attorney for debtor. Since attorneys withdraw from case, pro se debtor Pierce has been filing pleadings reflecting "Knollwood" address, but no change of address or amended petition has ever been filed reflecting "Knollwood" as the correct street name. (DY,) (Entered: 05/22/2006)

06/08/2006		Flags: DISMISSED, AwCAact14 flag(s) removed, Dismissed date does not appear on Docket Sheet. (RK,) (Entered: 06/08/2006)
06/20/2006	● <u>120</u>	OPINION By District Court Judge Myron H. Thompson, Re: Appeal on Civil Action Number:2:06cv414-MHT, DISMISSED (Non-Image Entry) Entered On 6/20/2006 (RE: related document(s) <u>119</u> Transmittal of Record on Appeal (USDC) filed by Debtor Atheal Pierce, <u>106</u> Notice of Appeal, filed by Debtor Atheal Pierce, <u>107</u> Notice, <u>112</u> Motion filed by Debtor Atheal Pierce, <u>113</u> Appellant Designation and Issues on Appeal filed by Debtor Atheal Pierce, <u>114</u> Submission of Documents, filed by Debtor Atheal Pierce, <u>115</u> Order, <u>116</u> Response, filed by Trustee Curtis C. Reding, <u>117</u> Designation of Record and Statement of Issues on Appeal,,,, filed by Trustee Curtis C. Reding). (YP,) Additional attachment(s) added on 7/12/2006 (YP,). Modified text on 7/12/2006 (YP,). (Entered: 07/12/2006)
06/20/2006	● <u>121</u>	FINAL JUDGMENT By District Court Judge Myron H. Thompson, Re: Appeal on Civil Action Number:2:06cv414-MHT, Appeal is DISMISSED (Non-Image Entry) Entered On 6/20/2006 (RE: related document(s) <u>120</u> Order District Court re: Appeal,,,, <u>106</u> Notice of Appeal, filed by Debtor Atheal Pierce, <u>113</u> Appellant Designation and Issues on Appeal filed by Debtor Atheal Pierce, <u>117</u> Designation of Record and Statement of Issues on Appeal,,,, filed by Trustee Curtis C. Reding). (YP,) (Entered: 07/12/2006)
06/20/2006	<u>122</u>	Publish Order: OPINION By District Court Judge Myron H. Thompson, Re: Appeal on Civil Action

		<p>Number:2:06cv414-MHT, DISMISSED (Non-Image Entry) Entered On 6/20/2006 (RE: related document(s)119 Transmittal of Record on Appeal (USDC) filed by Debtor Atheal Pierce, 106 Notice of Appeal, filed by Debtor Atheal Pierce, 107 Notice, 112 Motion filed by Debtor Atheal Pierce, 113 Appellant Designation and Issues on Appeal filed by Debtor Atheal Pierce, 114 Submission of Documents, filed by Debtor Atheal Pierce, 115 Order, 116 Response, filed by Trustee Curtis C. Reding, 117 Designation of Record and Statement of Issues on Appeal,,,, filed by Trustee Curtis C. Reding). (YP,) Additional attachment(s) added on 7/12/2006 (YP,). Modified text on 7/12/2006 (YP,). (Entered: 07/12/2006). (YP,) Modified on 7/25/2006 (YP,). (Entered: 07/12/2006)</p>
06/30/2006	●	<p>Case could not be closed because Case is pending Appeal in District Court (RE: related document(s) <u>115</u>, Close Case Follow Up Review - Cannot Close Case). Close Case Follow Up Review due on 7/31/2006. (JT,) (Entered: 06/30/2006)</p>
07/13/2006	●123	<p>Order Discharging Standing Trustee,Releasing Bond Liability and Closing Case: It appearing to the Court that the trustee in this case has performed all of the duties required of him in the administration of this case; that he has made distribution by order of this Court, and has rendered a full and complete account thereof, and no adverse interest being represented; It is therefore ORDERED that the Ch 12/13 trustee be discharged and relieved of his trust, and that he and the sureties on this bond be released from further liability thereunder; It is further Ordered that this case be, and the same is hereby</p>

		CLOSED. U.S. Bankruptcy Judge (Non-Image Entry). (JT,) (Entered: 07/13/2006)
07/13/2006	124	Bankruptcy Case Closed (Non-Image Entry). (JT,) (Entered: 07/13/2006)

CLOSED, MHT-ClerkA

U.S. District Court
Alabama Middle District (Montgomery)
CIVIL DOCKET FOR CASE #: 2:05-cv-01014-MHT
Internal Use Only

Pierce et al v. Redding
Assigned to: Honorable Myron H. Thompson
Cause: 28:0158 Notice of Appeal re Bankruptcy Matter
(BA)

Date Filed: 10/21/2005
Jury Demand: None
Nature of Suit: 422 Bankruptcy Appeal
(801)
Jurisdiction: Federal Question

Appellant

Atheal Pierce



represented by **Atheal Pierce**
112 Knollwood Blvd.
Montgomery, AL 36117
US
334-215-7525
PRO SE

V.

Appellee

Curtis Redding









represented by **Sabrina L. McKinney**
PO Box 173
Montgomery, AL 36101-0173
334-262-8371
Fax: 264-6127
Email: mckinneys@ch13mdal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/21/2005	 <u>2</u>	BANKRUPTCY CLERK'S TRANSMITTAL OF APPEAL w/Attachments. Bankruptcy Court case number 05-31205. Filed by Atheal Pierce. Appellant Brief due by 11/10/2005. (Attachments: # <u>1</u> Notice of Appeal# <u>2</u> Order Dismissing Bankruptcy Case)(sl,) (Entered: 10/27/2005)
10/21/2005	 <u>3</u>	Appellant's Copy of Designation of Record on Appeal and Statemenet of Issues which was filed with US Bankruptcy Court. (Attachments: # <u>1</u> Exhibit A-Voluntary Petition# <u>2</u> Exhibit B-Motion to Lift Stay# <u>3</u> Exhibit C-Objection and Response# <u>4</u> Exhibit D-Rescheduled Notice of






		Chapter 13 Bankruptcy Case# <u>5</u> Exhibit E-Conditional Order Terminating Stay# <u>6</u> Exhibit F-Motion for Rehearing# <u>7</u> Exhibit G-Order Dismissing Bankruptcy Case# <u>8</u> Exhibit H-Notice of Appeal# <u>9</u> Exhibit I-Appellant's Notice of Filing of the Transcript Order) Remainder of Bankruptcy Court file filed conventionally and available for viewing in the Clerk's Office.(sl,) (Entered: 10/27/2005)
10/21/2005	<u>4</u>	Appellee's Copy of Designation of Record on appeal which was filed with US Bankruptcy Court. (Attachments: # <u>1</u> Exhibit A-Voluntary Petition# <u>2</u> Exhibit B-Notice of Deficiency# <u>3</u> Exhibit C-Summary of Schedules# <u>4</u> Exhibit D-Summary of Chapter 13 Plan# <u>5</u> Exhibit E-Motion to Extend Time# <u>6</u> Exhibit F-Order Dismissing Motion# <u>7</u> Exhibit G-Motion to Withdraw# <u>8</u> Exhibit H-Motion to Set Hearing# <u>9</u> Exhibit I-Order# <u>10</u> Exhibit J-Motion to Dismiss# <u>11</u> Exhibit K-Notice of Request for Dismissal# <u>12</u> Exhibit L-Trustee's Objection to confirmation# <u>13</u> Exhibit M-Order Dismissing Objection# <u>14</u> Exhibit N-Trustee's Motion to Dismiss Appeal)(sl,) (Entered: 10/27/2005)
10/25/2005		***Party American General Finance rep by Britt Batson Griggs added as interested party pursuant to <u>1</u> Notice of Termination of Automatic Stay. (sl,) (Entered: 10/27/2005)
10/26/2005	<u>1</u>	NOTICE by American General Finance <i>Notice of Termination of Automatic Stay and Creditor's Intent to Pursue State Law Remedies</i> (Griggs, Britt) (Entered: 10/26/2005)
10/28/2005	<u>5</u>	MOTION to Dismiss <i>Appeal</i> by Curtis Redding. (McKinney, Sabrina) (Entered: 10/28/2005)
11/01/2005	<u>6</u>	ORDER setting an on-the-record scheduling conference on 11/9/05 at 9:30 a.m. to discuss the pending <u>5</u> MOTION to Dismiss and a briefing schedule. Counsel for appellee is to arrange for the conference to be conducted by telephone. Signed by Judge Myron H. Thompson on 11/1/05. (sl,) (Entered: 11/01/2005)
11/01/2005		Copy of <u>6</u> Order mailed to pro se Debtor/Appellant Atheal Pierce on 11/1/05. (sl,) (Entered: 11/01/2005)
11/07/2005	<u>7</u>	Objection and Response to <u>5</u> MOTION to Dismiss Appeal filed by Atheal Pierce. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(sl,) (Entered: 11/08/2005)
11/07/2005	<u>8</u>	MOTION for Continuance by Atheal Pierce. (sl,) (Entered: 11/08/2005)
11/09/2005		***Set Clerk A Flag (sl,) (Entered: 11/09/2005)
11/09/2005	<u>9</u>	Minute Entry for Telephone SCHEDULING CONFERENCE before Judge Myron H. Thompson on 11/9/2005. (Court Reporter Mitchell Reisner.) (snc) (Entered: 11/09/2005)

11/10/2005	<u>10</u>	ORDERED, with regard to appellee Curtis C. Reding, Jr.'s <u>5</u> MOTION to Dismiss, as follows: (1) Appellee Curtis C. Reding, Jr.'s brief is due by 11/23/05; (2) Appellant Atheal Pierce's brief is due by 12/5/05; (3) <u>5</u> Motion to Dismiss is set for submission, without oral argument, on 12/5/05. Signed by Judge Myron H. Thompson on 11/10/05. (sl,) (Entered: 11/10/2005)
11/10/2005	<u>11</u>	ORDERED with regard to the appeal, as follows: (1) Appellant Atheal Pierce's brief is due by 12/9/05; (2) Appellee Curtis C. Reding's brief is due by 12/19/05; (3) Appellant Pierce may file a reply brief by 12/28/05; (4) the appeal in this case is set for submission, without oral argument, on 12/28/05. Signed by Judge Myron H. Thompson on 11/10/05. (sl,) (Entered: 11/10/2005)
11/10/2005	<u>12</u>	ORDER denying <u>8</u> Motion for Continuance . Signed by Judge Myron H. Thompson on 11/10/05. (sl,) (Entered: 11/10/2005)
11/21/2005	<u>13</u>	BRIEF/MEMORANDUM in Support re <u>5</u> MOTION to Dismiss <i>Appeal</i> , <u>10</u> Order,, Set Deadlines, filed by Curtis Redding. (McKinney, Sabrina) (Entered: 11/21/2005)
12/15/2005	<u>14</u>	BRIEF/MEMORANDUM in Opposition re <u>11</u> Order,, Set Deadlines, <i>Response/Brief in compliance with Court's Scheduling Order on Appeal</i> filed by Curtis Redding. (McKinney, Sabrina) (Entered: 12/15/2005)
12/20/2005	<u>15</u>	ORDERED that appellant Atheal Pierce show cause, if any there be, in writing by 4:00 p.m. on 1/3/2006, as to why his appeal should not be dismissed for failure to prosecute. Appellant Pierce is informed that, if he fails to respond to this order within the time allowed, his appeal will be dismissed. The Clerk of Court is directed to mail a copy of this order to appellant Pierce at his address of record, by certified mail, return receipt requested. Signed by Judge Myron H. Thompson on 12/20/05. (sl,) (Entered: 12/20/2005)
12/23/2005	<u>16</u>	EMERGENCY MOTION for Relief and showing Just Cause re: <u>15</u> Order and seeking judicial review and intervention with Chapter 13 by Atheal Pierce. (sl,) (Entered: 12/23/2005)
12/28/2005	<u>17</u>	[VACATED PURSUANT TO <u>24</u> ORDER ENTERED ON 2/15/06] OPINION; An appropriate judgment will be entered dismissing Pierce's appeal. Signed by Judge Myron H. Thompson on 12/28/05. (sl,) Modified on 2/15/2006 (sl,). (Entered: 12/28/2005)
12/28/2005	<u>18</u>	[VACATED PURSUANT TO <u>24</u> ORDER ENTERED ON 2/15/06] JUDGMENT; Ordered that appellant Atheal Pierce's <u>16</u> motionf for relief is denied as moot. It is further ordered that the costs are taxed against appellant Pierce. The Clerk of court is directed to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the FRCP. Signed by Judge Myron H. Thompson on 12/28/05. (Attachments: # <u>1</u> Civil Appeals Checklist)(sl,) Modified on 2/15/2006 (sl,). (Entered: 12/28/2005)

01/06/2006	<u>19</u>	EMERGENCY MOTION for relief from <u>17</u> and <u>18</u> Opinion and Judgment dated 12/28/05 by Atheal Pierce. (sl,) (Entered: 01/06/2006)
01/06/2006		Emergency Motion for Relief from Opinion and Judgment treated as a motion to alter or amend or for rehearing, pursuant to order entered on 2/15/06. (This document has no pdf attached. See <u>19</u> for pdf.) by Atheal Pierce. (sl,) (Entered: 02/15/2006)
01/24/2006	<u>20</u>	ORDER Transmitting Motion to District Court, entered by Judge Dwight H. Williams, Jr., United States Bankruptcy Court, Middle District of Alabama. (Attachments: # <u>1</u> Motion)(sl,) (Entered: 01/24/2006)
01/24/2006	<u>21</u>	Emergency MOTION to correct the clerk's record by Atheal Pierce. (sl,) (Entered: 01/24/2006)
02/14/2006	<u>22</u>	ORDER Transmitting Motion to District court, entered by Judge Dwight H. Williams, Jr., United States Bankruptcy Court, Middle District of Alabama. (Attachments: # <u>1</u> Attachment 1-Emergency Motion for Complete Relief 9/12/05 to present, filed in U. S. Bankruptcy Court)(sl,) (Entered: 02/14/2006)
02/14/2006	<u>23</u>	EMERGENCY MOTION for Complete Relief 9/12/05 to present by Atheal Pierce. (sl,) (Entered: 02/14/2006)
02/14/2006		Emergency Motion for Complete Relief treated as a <u>23</u> brief in Support of appeal, pursuant to order entered on 2/15/06. (This document has no pdf attached. See <u>23</u> for pdf.) (sl,) (Entered: 02/15/2006)
02/15/2006	<u>24</u>	ORDERED as follows: (1) appellant Atheal Pierce's <u>19</u> Emergency Motion for Relief from Opinion and Judgment is treated as a motion to alter or amend or for rehearing; (2) appellant Pierce's <u>19</u> motion to alter or amend or for rehearing is granted; (3) the <u>18</u> judgment and <u>17</u> opinion dated 12/28/05 are vacated, and the appeal in this case is reinstated. It is further ordered that appellee Curtis Reding's <u>5</u> motion to dismiss is denied to the extent appellee Reding contends that appellant Pierce's appeal was untimely filed. Signed by Judge Myron H. Thompson on 2/15/06. (sl,) (Entered: 02/15/2006)
02/15/2006	<u>25</u>	ORDERED that by 3/2/06, appellant Atheal Pierce must pay to the clerk of the bankruptcy court the full filing fee of \$255.00 or (if appellant Pierce cannot afford the filing fee) file in the bankruptcy court the form or forms necessary to request to proceed in forma pauperis. If appellant Pierce fails to comply with this directive, the court will grant appellee Curtis Reding's <u>5</u> motion to dismiss (to the extent appellee Reding contends the appeal should be dismissed because appellant Pierce has not paid the requisite filing fee) and dismiss appellee Pierce's appeal pursuant to FRCP 41(b) for failure to prosecute. Further ordered that appellant Pierce msut submit a Transcript Request Form to the clerk of the bankruptcy court by 3/2/06. If appellant Pierce fails to comply with this directive, the court will dismiss his appeal pursuant to

		FRCP 41(b) for failure to prosecute. Further ordered that appellant Pierce is to file a copy of the completed Transcript Request Form with this court by 3/2/06. If appellant Pierce fails to comply with this directive, the court will dismiss his appeal pursuant to FRCP 41(b) for failure to prosecute. Filing Fee due by 3/2/2006.. Signed by Judge Myron H. Thompson on 2/15/06. (sl,) (Entered: 02/15/2006)
02/15/2006	 <u>26</u>	ORDERED as follows: (1) in light of a separate order filed today in which the court vacated its opinion and judgment dismissing appellant Atheal Pierce's appeal as untimely, appellant Pierce's <u>21</u> Emergency Motion to correct the clerk's record is denied as moot; (2) Appellant Atheal Pierce's <u>23</u> Emergency Motion for complete relief is treated as a brief in support of his appeal. Signed by Judge Myron H. Thompson on 2/15/06. (sl,) (Entered: 02/15/2006)
02/17/2006	 <u>27</u>	Supplemental Designation of Record. (Attachments: # <u>1</u> Transcript# <u>2</u> Affidavit)(sl,) (Entered: 02/17/2006)
02/17/2006		Case reopened, ***Reopen Document <u>5</u> MOTION to Dismiss <i>Appeal</i> pursuant to order entered on 2/17/06 (sl,) (Entered: 02/17/2006)
02/17/2006	 <u>28</u>	ORDERED that appellee Curtis Reding's <u>5</u> MOTION to Dismiss is denied. Appellant Atheal Pierce's appeal will not be dismissed, and the court will consider the case on its merits. Signed by Judge Myron H. Thompson on 2/17/06. (sl,) (Entered: 02/17/2006)
02/21/2006	 <u>29</u>	OPINION. An appropriate judgment will be entered affirming the decision of the bankruptcy court. Signed by Judge Myron H. Thompson on 2/21/06. (sl,) (Entered: 02/21/2006)
02/21/2006	 <u>30</u>	JUDGMENT; In accordance with the memorandum opinion entered 2/21/06, it is the Order, Judgment, and Decree of the court that the order of the United States Bankruptcy Court for the Middle District of Alabama, dated 9/15/05 is affirmed. Further Ordered that the costs are taxed against appellant Atheal Pierce, for which execution may issue. The Clerk of court is directed to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the FRCP. Signed by Judge Myron H. Thompson on 2/21/06. (Attachments: # <u>1</u> Civil Appeals Checklist)(sl,) (Entered: 02/21/2006)
02/26/2006	 <u>31</u>	NOTICE OF APPEALby Atheal Pierce to the United States Court of Appeals Eleventh Circuit from the <u>29</u> Memorandum Opinion and Order as to <u>30</u> Judgment, entered. Copies mailed(ydw,) (Entered: 02/27/2006)
02/27/2006		Transmission of Notice of Appeal and certified copy Docket Sheet and Order to US Court of Appeals re <u>31</u> Notice of Appeal (ydw,) (Entered: 02/27/2006)
03/07/2006		USCA Case Number 06-11430-C for <u>31</u> Notice of Appeal filed by Atheal Pierce. (ydw,) (Entered: 03/08/2006)

03/17/2006	<u>32</u>	NOTICE OF Jurisdictional Question By USCA Eleventh Circuit re 06-11430-C, <u>31</u> Notice of Appeal, that whether the notice of appeal, filed on 10/28/2005, perfected an appeal from the 7/21/99, judgment, in light of the district court's 10/20/2005, order granting in part the defendant's motion to vacate, set aside, or correct his sentence, 28 U.S.C. 2255? See Fed.R.App.P 4(b); United States v. Phillips, 225 F.3d 1198, 1201 (11th Cir. 2000); Martin v. United States, 81 F.3d 1083, 1084 (11th Cir. 1996); Montemoino v. United States, 68 F.3d 416, 417-18 (11th Cir. 1995). (dmn) (Entered: 03/20/2006)
03/17/2006	<u>35</u>	MOTION for Leave to Proceed Without Pre-Payment of Fees on Appeal and MOTION to Adopt the Bankruptcy Documents as filed by Atheal Pierce. (dmn) (Entered: 03/23/2006)
03/21/2006	<u>33</u>	MOTION to correct the case style by Atheal Pierce. (sl,) (Entered: 03/22/2006)
03/23/2006	<u>34</u>	ORDER denying <u>33</u> Motion to correct case style. Signed by Judge Myron H. Thompson on 3/23/06. (sl,) (Entered: 03/23/2006)
03/24/2006	<u>36</u>	ORDER that the <u>35</u> Motion for leave to proceed without prepayment of fees and to ADOPT the record on appeal, which the court is treating as a motion to proceed on appeal in forma pauperis is DENIED. Further ORDERED that the <u>31</u> appeal in this cause is hereby certified, pursuant to 28 U.S.C. 1915(a)(3), as not taken in good faith. Signed by Judge Myron H. Thompson on 3/24/2006. (dmn) [Modified on 3/24/2006 to replace the pdf. The wrong pdf was attached originally due to docketing error.-DMN] (Entered: 03/24/2006)
03/24/2006	<u>37</u>	NOTICE of Correction re <u>36</u> Order. This notice is docketed to enter the corrected pdf of the referenced document into the record. The wrong pdf was attached when originally docketed due to docketing error. The correct pdf is attached to this notice. (Attachments: #(1) Corrected pdf of Order) (dmn) (Entered: 03/24/2006)
03/24/2006	<u>38</u>	Entry of Dismissal of USCA as to 06-11430-C, <u>31</u> Notice of Appeal filed by Atheal Pierce, that pursuant to 11th Cir. R. 42-1(b), this appeal is dismissed for want of prosecution because appellant has failed to pay the \$250 docketing and \$5 filing fees (\$255) to the district court clerk and file a Transcript Order Form within the time fixed by the rules, effective this 23rd day of March, 2006. (dmn) (Entered: 03/24/2006)
03/30/2006	<u>3</u>	Received from USCA letter stating that this appeal has been clerically reinstated in light of the district court's order denying motion for IFP. (ydw,) (Entered: 03/30/2006)
05/02/2006	<u>3</u>	USCA Appeal Fees received \$ 255.00 receipt number 110064 re <u>31</u> Notice of Appeal filed by Atheal Pierce (ydw,) (Entered: 05/03/2006)
05/04/2006	<u>39</u>	Objection to <i>Appellant's motion filed 5/1/2006 to proceed on appeal from bankruptcy court without the prepayment of filing fees</i> filed by

		Curtis Redding. (McKinney, Sabrina) (Entered: 05/04/2006)
05/16/2006	 <u>40</u>	ORDER setting an on-the-record status conference for 5/19/2006 at 8:15 AM. Counsel for the bankruptcy trustee is to arrange for the conference to be conducted by telephone. Signed by Judge Myron H. Thompson on 5/16/06. (sl,) (Entered: 05/16/2006)
05/19/2006	 <u>41</u>	Minute Entry for Telephone Status Conference held on 5/19/2006 before Judge Myron H. Thompson. (Court Reporter Mitchell Reisner.) (ag,) (Entered: 05/22/2006)
05/22/2006		Mail Returned as Undeliverable. Copy of 5-16-06 order sent to Atheal Pierce returned in mail with the following US Postal service notation, "returned to sender-no such street. A review of pleadings revealed incorrect address on DC & BC docket which has now been corrected on DC docket and BC notified. (NO PDF document attached to this notice). Rемаiled this date to correct address. (dgy,) (Entered: 05/22/2006)
06/01/2006	 <u>42</u>	ORDER re 06-11430-C, <u>31</u> Notice of Appeal filed by Atheal Pierce, that the \$255 is to be applied toward the filing fee in the Eleventh Circuit in appeal No. 06-11430-C, and the motion to proceed without prepayment of fees (Civ. Action No. 2:06cv414-MHT, Doc. No. 1, Attachment 11) is to remain docketed in Civ. Action No. 2:06cv414-MHT. Signed by Judge Myron H. Thompson on 06/01/06. (ydw,) (Entered: 06/01/2006)
06/23/2006	 <u>43</u>	Entry of Dismissal ISSUED AS A MANDATE of USCA as to 06-11430-CC, <u>31</u> Notice of Appeal filed by Atheal Pierce, that pursuant to 11th Cir.R.42-2(c), this appeal is hereby dismissed for want of prosecution because the appellant has failed to file the appellant's brief and record excerpts within the time fixed by the rules, effective this 20th day of June, 2006. FOR THE COURT - BY DIRECTION (ydw,) (Entered: 06/26/2006)

CLOSED, MHT-ClerkA

U.S. District Court
Alabama Middle District (Montgomery)
CIVIL DOCKET FOR CASE #: 2:06-cv-00414-MHT
Internal Use Only

Pierce v. American General Finance Company et al
Assigned to: Honorable Myron H. Thompson
Cause: 28:0158 Notice of Appeal re Bankruptcy Matter
(BA)

Date Filed: 05/08/2006
Jury Demand: None
Nature of Suit: 422 Bankruptcy Appeal
(801)
Jurisdiction: Federal Question

Appellant**Atheal Pierce**

represented by **Atheal Pierce**
112 Knollwood Blvd.
Montgomery, AL 36117
US
334-215-7525
PRO SE

V.

Appellee**American General Finance
Company**

represented by **Britt Batson Griggs**
Parnell & Crum, PA
PO Box 2189
Montgomery, AL 36102-2189
334-832-4200
Fax: 334-293-3550
Email: bg@parnellcrum.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Charles Nichols Parnell, III
Parnell & Crum, PA
PO Box 2189
Montgomery, AL 36102-2189
334-832-4200
Fax: 832-4703
Email: cnparnell@parnellcrum.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Appellee

Curtis C. Reding

represented by Sabrina L. McKinney

PO Box 173

Montgomery, AL 36101-0173







334-262-8371

Fax: 264-6127



Email: mckinneys@ch13mdal.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/08/2006	 <u>1</u>	BANKRUPTCY CLERK'S TRANSMITTAL OF APPEAL & Designated Items of Appellant and Designated Items of Appellee. Bankruptcy Court case number 05-31205. Filed by Atheal Pierce. Appellant Brief due by 5/26/2006.(Attachments: # <u>1</u> U. S. Bankruptcy Court Order Transmitting Motion to District Court# <u>2</u> Voluntary Petition in US Bankruptcy Court# <u>3</u> Pierce's Request for Dismissal# <u>4</u> Pierce's Motion for Relief# <u>5</u> Pierce's Response to Trustee's Motion# <u>6</u> Pierce's Motion for Reinstatement of Case# <u>7</u> Judge Williams' Memorandum Opinion# <u>8</u> Judge Williams' Order Denying Motion to Reinstate Case# <u>9</u> Pierce's Notice of Appeal# <u>10</u> Clerk's Notice of Deficiency# <u>11</u> Pierce's Motion to Proceed without Prepayment# <u>12</u> Trustee's Response to Pierce's Motion to Proceed# <u>13</u> Copy of Bankruptcy Court's Docket Sheet for Chapter 13 Case 05-31205# <u>14</u> District Court's Docket in Appeal 05-1014# <u>15</u> District Court's Order Dismissing Appeal to 11th Circuit# <u>16</u> Notice from U. S. Court of Appeals 11th Circuit)(sl,) (Designated Items of Appellee, Nos. 1-31 filed in Civil Action 05-1014, maintained on disc.) (Entered: 05/11/2006)
05/08/2006		MOTION for Leave to Proceed in forma pauperis by Atheal Pierce. (This document has no pdf attached. See <u>1</u> for pdf.) (sl,) (Entered: 05/16/2006)
05/08/2006		RESPONSE to MOTION for Leave to Proceed in forma pauperis on Appeal filed by Curtis C. Reding. (This document has no pdf attached. See <u>1</u> for pdf.) (sl,) (Entered: 05/16/2006)
05/08/2006		Order Transmitting Motion to Proceed on appeal without payment of the filing fee. (This document has no pdf attached. See <u>1</u> for pdf.) (sl,) (Entered: 05/16/2006)
05/11/2006	 <u>2</u>	Case Reassigned to Judge Myron H. Thompson. Judge William Keith Watkins no longer assigned to the case. (sl,) (Entered: 05/11/2006)
05/15/2006	 <u>3</u>	Objection to re <u>1</u> Bankruptcy Appeal,,,, <i>Objection to motion to proceed without the prepayment of appeal filing fees</i> filed by Curtis C. Reding. (McKinney, Sabrina) (Entered: 05/15/2006)
05/15/2006		***Set Clerk A Flag (sl,) (Entered: 05/15/2006)

05/16/2006	<u>4</u>	ORDER setting a Status Conference on 5/19/2006 at 8:15 AM. Counsel for the bankruptcy trustee is to arrange for the conference to be conducted by telephone. Signed by Judge Myron H. Thompson on 5/19/06. (sl,) (Entered: 05/16/2006)
05/19/2006	<u>5</u>	Minute Entry for Telephone Status Conference held on 5/19/2006 held before Judge Myron H. Thompson . (Court Reporter Mitchell Reisner.) (ag,) (Entered: 05/22/2006)
05/22/2006		Mail Returned as Undeliverable. Copy of 5-16-06 order sent to Atheal Pierce returned in mail with the following US Postal service notation, "returned to sender-no such street. A review of pleadings revealed incorrect address on DC & BC docket which has now been corrected on DC docket and BC notified. (NO PDF document attached to this notice). Rемаiled this date to correct address.(dgy,) (Entered: 05/22/2006)
05/23/2006	<u>6</u>	ORDERED that: (1) Appellant Atheal Pierce's brief is due by 6/22/2006; (2) Appellees American General Finance Company and Curtis Reding's briefs are due by 7/3/06; (3) Appellant Pierce may file a reply brief by 7/13/06; (4) the appeal in this case is set for submission, without oral argument, on 7/13/06. Signed by Judge Myron H. Thompson on 5/23/06. (sl,) (Entered: 05/23/2006)
05/30/2006	<u>7</u>	Return Receipt Card showing service of <u>6</u> Order signed by Atheal Pierce on 5/26/06. (sl,) (Entered: 05/31/2006)
06/01/2006	<u>8</u>	ORDERED that the \$255 is to be applied toward the filing fee in the Eleventh Circuit in appeal No. 06-11430-C, and the motion to proceed without prepayment of fees (Civil Action No. 2:06cv414-MHT, Doc. No. 1, Attachment 11) is to remain docketed in Civil Action No. 2:05cv414-MHT as further set out in order. Signed by Judge Myron H. Thompson on 6/1/06. (sl,) (Entered: 06/01/2006)
06/01/2006		Copy of <u>8</u> Order mailed to Atheal Pierce by CMRRR. (sl,) (Entered: 06/01/2006)
06/01/2006	<u>9</u>	ORDERED that appellant Atheal Pierce's <u>1</u> Motion for Leave to Proceed in forma pauperis is denied without prejudice. Ordered that appellant Pierce has until 6/12/06 to pay the appropriate filing fee or file a motion to proceed in forma pauperis, accompanied by an affidavit that complies with 28 USC 1915(a)(1) and FRCP 24 as further set out in order. Signed by Judge Myron H. Thompson on 6/1/06. (sl,) (Entered: 06/01/2006)
06/01/2006		Copy of <u>9</u> Order mailed to Atheal Pierce by CMRRR. (sl,) (Entered: 06/01/2006)
06/01/2006		Set Filing Fee due by 6/12/2006. (sl,) (Entered: 06/01/2006)
06/20/2006	<u>10</u>	OPINION; An appropriate judgment will be entered. Signed by Judge Myron H. Thompson on 6/20/06. (sl,) (Entered: 06/20/2006)

06/20/2006	 <u>11</u>	JUDGMENT of the court that appellant Atheal Pierce's appeal of the order of the United States Bankruptcy Court for the Middle District of Alabama, dated 4/17/06, is dismissed. Ordered that the costs are taxed against appellant Pierce, for which execution may issue. The Clerk of court is directed to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the FRCP. Signed by Judge Myron H. Thompson on 6/20/06. (Attachments: # <u>1</u> Civil Appeals Checklist)(sl,) (Entered: 06/20/2006)
06/20/2006		Mail Returned as Undeliverable. Copy of <u>8</u> and <u>9</u> Order mailed to Atheal Pierce, by CMRRR, returned in mail with the following notation: "Return to Sender-Unclaimed." "6/2/06-Notified at 12:28 p.m.; 6/7; 6/17" (sl,) (Entered: 06/21/2006)

MAG+

U.S. District Court
Alabama Middle District (Montgomery)
CIVIL DOCKET FOR CASE #: 2:06-cv-00985-WKW-TFM
Internal Use Only

Pierce v. American General Finance, Inc. (MAG+)
Assigned to: Honorable William Keith Watkins
Referred to: Honorable Terry F. Moorer
Cause: 42:1983 Civil Rights Act

Date Filed: 10/31/2006
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question




Plaintiff**Atheal Pierce**represented by **Atheal Pierce**

112 Knollwood Blvd.
Montgomery, AL 36117
US
334-727-8810
PRO SE

V.

Defendant**American General Finance, Inc.**represented by **David Alan Elliott**

Burr & Forman LLP
420 North Twentieth Street
Suite 3100
Birmingham, AL 35203
205-251-3000
Fax: 205-458-5631
Email: dellott@burr.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/31/2006	 <u>1</u>	COMPLAINT against American General Finance, Inc. (Filing fee \$ 350.00 receipt number 112050.), filed by Atheal Pierce.(dly,) (Entered: 11/03/2006)
01/08/2007		Due to the resignation of Judge Delores Boyd this case has been reassigned to Judge Terry F. Moorer as referral judge (NO PDF document attached to this notice). (dly,) (Entered: 01/08/2007)
01/11/2007	 <u>2</u>	ORDER REFERRING CASE to Magistrate Judge Terry F. Moorer for all pretrial proceedings and entry of any orders or recommendations as

		may be appropriate. Signed by Judge William Keith Watkins on 1/11/2007. (wcl,) (Entered: 01/11/2007)
03/01/2007	● <u>3</u>	ORDER TO SHOW CAUSE directing plf show cause why this case should not be dismissed; Show Cause Response due by 3/16/2007. Signed by Judge Terry F. Moorer on 3/1/07. (djy,) (Entered: 03/01/2007)
03/01/2007	●	Copy of <u>3</u> order mailed via regular and CMRRR mail to plaintiff (NO PDF document attached to this notice). (djy,) (Entered: 03/01/2007)
03/02/2007	● <u>4</u>	Summons Issued as to American General Finance, Inc. and mailed CMRRR w/copy of complaint to defendant. (djy,) (Entered: 03/05/2007)
04/02/2007	● <u>5</u>	MOTION to Dismiss <i>or in the Alternative, to Compel Arbitration</i> by American General Finance, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Elliott, David) (Entered: 04/02/2007)
04/02/2007	●	MOTION to Compel Arbitration by American General Finance, Inc. (NO PDF document attached-See Docket Entry <u>5</u>). (djy,) (Entered: 04/03/2007)
04/02/2007	●	<u>5</u> MOTION to Dismiss <i>or in the Alternative, to Compel Arbitration</i> REFERRED to Judge Judge Moorer pursuant to order <u>2</u> referring case to Mag Judge. (NO PDF document attached to this notice). (djy,) (Entered: 04/03/2007)
04/03/2007	● <u>6</u>	Notice of Deficiency requiring filing of Corporate Disclosure/Conflict Statement sent to American General Finance, Inc.; Corporate Disclosures due by 4/17/2007. (Attachments: # <u>1</u> Standing order and format)(djy,) (Entered: 04/03/2007)
04/03/2007	● <u>7</u>	Corporate/Conflict Disclosure Statement by American General Finance, Inc.. (Elliott, David) (Entered: 04/03/2007)
04/03/2007	● <u>8</u>	ORDER TO SHOW CAUSE as to why this case should not be dismissed; Show Cause Response due by 4/23/2007. Signed by Judge Terry F. Moorer on 4/3/07. (djy,) (Entered: 04/03/2007)
04/03/2007	●	Copy of <u>8</u> order mailed via regular and CMRRR to plaintiff (NO PDF Document attached to this notice). (djy,) (Entered: 04/03/2007)
04/03/2007		***Corp Disclosure Deadlines terminated. (djy,) (Entered: 04/04/2007)

1060060

Alabama Supreme Court Docket Sheet

1060060

APP : Direct Appeal

Atheal Pierce v. American General Finance, Inc.

(Appeal from Montgomery Circuit Court: CV-05-3197).

Classification

Other

Notice of Appeal : 10/10/2006, Post Jgmt. Order : 10/11/2006

Docketed 10/10/2006 RB

Judges

Last Updated / / RB

Circuit Judge Hobbs, Truman M., Jr.

Case Actions / Postings

10/10/2006 Emergency Motion to stay. (1c) rrb/adw
10/10/2006 FAX copy of trial court's order denying Pierce's motion to stay unlawful detainer action. adw
10/11/2006 FAX copy of NOA and docketing statement from Montgomery Circuit Clerk. adw
10/16/2006 Execution of the judgment of the Montgomery Circuit Court case CV-05-3197 is stayed pending the disposition of an appeal from that judgment. Nabers, C.J., and Stuart, Smith, Bolin, and Parker, JJ., concur. See, Lyons, and Harwood, JJ., dissent. mo
10/20/2006 Docketing statement filed.
10/20/2006 Docket Fee Payment of \$ 100 by Check.
10/24/2006 Notice of docketing.
11/07/2006 Record on Appeal Certified Complete, Certificate filed (EFiled).
11/07/2006 Original Record on Appeal Filed 1 volumes. (EFiled). 110906
11/22/2006 Motion to require Aplt to post a supersedeas bond. (11cc) rrb/adw
11/29/2006 Atheal Pierce's response(13cc) and affidavit (13cc)m/aw
12/11/2006 Appellant's Brief Filed 11 copies.
12/11/2006 Motion to accept brief of aplt filed on 12/11/2006.
12/12/2006 Appellant's motion to accept brief as filed is granted.m/aw
12/29/2006 Extension of Time for Appellee To File Brief granted by Supreme Court; 7 days. ; Due on 01/08/2006. Confirmed on 122906
01/08/2007 Appellee's Brief Filed 13 copies. (Burnett, Parnell)
01/22/2007 Appellant's Reply Brief Filed 13 copies.
01/24/2007 Motion to require appellant to post a supersedeas bond is denied. rrb/adw/RGE
01/24/2007 Case Assigned to Justice
01/25/2007 Submitted On Briefs.

Attorneys & Officials

Circuit Judge

Truman M. Hobbs, Jr.

Montgomery, AL (334) 832-7147

Attorneys & Officials

Circuit Clerk	Montgomery County Circuit Clerk's Office	Montgomery, AL (334) 832-1260
Pro Se Aplt.	Atheal Pierce	Montgomery, AL (334) 215-7525
Atty. for Aple.	Dayna R. Burnett	Montgomery, AL (334) 832-4200
	Charles N. Parnell, III	Montgomery, AL (334) 832-4200

END OF DOCKETING INFORMATION

AVSO351

CV 2005 003197.00

JUDGE: TRUMAN M HOBBS JR

ALABAMA JUDICIAL DATA CENTER
CASE ACTION SUMMARY
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

AMERICAN GENERAL FINANCE INC VS ATHEAL PIERCE
FILED: 12/19/2005 TYPE: CONTRACT/EJMNT/SEIZU TYPE TRIAL: NON-JURY TRACK:

DATE1: 08/29/2006 CA: OTHER CA DATE: 08/31/2006
DATE2: AMT: \$.00 PAYMENT:
DATE3:

PLAINTIFF 001: AMERICAN GENERAL FINANCE INC
ATTORNEY: PARNELL CHARLES N III
PAR016

, AL 00000-0000
PHONE: (334)000-0000
ENTERED: 12/19/2005 ISSUED: TYPE:
SERVED: ANSWERED: JUDGEMENT: 04/25/2006

DEFENDANT 001: PIERCE ATHEAL
112 KNOLLWOOD BLVD ATTORNEY: *** PRO SE ***

MONTGOMERY, AL 36117-0000
PHONE: (334)000-0000
ENTERED: 12/19/2005 ISSUED: 12/20/2005 TYPE: SHERIFF
SERVED: 12/22/2005 ANSWERED: 01/23/2006 JUDGEMENT: 04/25/2006

REFUND REC 001: SUPREME COURT OF ALABAMA
ATTORNEY: *** PRO SE ***

, AL 00000-0000
PHONE: (334)000-0000
ENTERED: 10/16/2006 ISSUED: TYPE:
SERVED: ANSWERED: JUDGEMENT:

12/20/2005 FILED THIS DATE: 12/19/2005 (AV01)
12/20/2005 ASSIGNED TO JUDGE: TRUMAN M HOBBS JR (AV01)
12/20/2005 BENCH/NON-JURY TRIAL REQUESTED (AV01)
12/20/2005 CASE ASSIGNED STATUS OF: ACTIVE (AV01)
12/20/2005 ORIGIN: INITIAL FILING (AV01)
12/20/2005 AMERICAN GENERAL FINANCE INC ADDED AS C001 (AV02)
12/20/2005 LISTED AS ATTORNEY FOR C001: PARNELL CHARLES N II
12/20/2005 PIERCE ATHEAL ADDED AS D001 (AV02)
12/20/2005 LISTED AS ATTORNEY FOR D001: PRO SE (AV02)
12/20/2005 SHERIFF ISSUED: 12/20/2005 TO D001 (AV02)
01/03/2006 SERVICE OF SERVED PERSON ON 12/22/2005 FOR D001
01/23/2006 MOTION TO DISMISS COMPLAINT OF PLTF
01/24/2006 ANSWER OF MOTION DISMIS ON 01/23/2006 FOR D001
01/27/2006 ORDER DTD 01/26/2006: PLTF MUST OBTAIN LEAVE TO

MIA 04/05/2007

CV 2005 003197.00

AVS0351

CV 2005 003197.00

JUDGE: TRUMAN M HOBBS JR

ALABAMA JUDICIAL DATA CENTER
CASE ACTION SUMMARY
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

AMERICAN GENERAL FINANCE INC VS ATHEAL PIERCE
FILED: 12/19/2005 TYPE: CONTRACT/EJMNT/SEIZU TYPE TRIAL: NON-JURY TRACK:

DATE1: 08/29/2006 CA: OTHER CA DATE: 08/31/2006
DATE2: AMT: \$.00 PAYMENT:
DATE3:

01/27/2006 ...PROSECUTE CLAIM FROM BANKRUPTCY COURT W/IN 60

01/27/2006 ...DAYS OR CASE WILL BE DISMISSED W/O PREJUDICE

02/09/2006 MOTION TO REMOVE CASE FROM ADMIN DOCKET AND SET

02/09/2006 ... FOR TRIAL

02/13/2006 SET FOR: TRIAL - BENCH ON 05/31/2006 AT 0130P

05/02/2006 CASE ASSIGNED STATUS OF: DISPOSED (AV01)

05/02/2006 DISPOSED ON: 04/25/2006 BY (DISM W/O PREJ) (AV01)

05/02/2006 COURT ACTION JUDGE: TRUMAN M HOBBS JR (AV01)

05/02/2006 C001 DISPOSED BY (DISM W/O PREJ) ON 04/25/2006

05/02/2006 D001 DISPOSED BY (DISM W/O PREJ) ON 04/25/2006

05/03/2006 CASE ASSIGNED STATUS OF: ACTIVE (AV01)

07/18/2006 SET FOR: TRIAL - BENCH ON 08/29/2006 AT 0900A

07/18/2006 ORDER DISMISSING BANKRUPTCY CASE ORDER PROHIBITING

07/18/2006 ... DEBTOR FROM REFILEING ANOTHER BANKRUPTCY CASE

07/18/2006 ... FOR 180 DAYS

08/29/2006 DFTS NOT AND OBJ

08/30/2006 ORDER DENYING NOTICE & OBJECTION BY OWNER

08/31/2006 ORDER SIGNED 8-30-06: PLTF IS ENTITLED TO DEFAULT

08/31/2006 ...UNDER COUNT 3 IN THE AMOUNT OF \$6825.00 + COST;

08/31/2006 ...PLTF IS ENTITLED TO DECLARATORY JUDGM THAT

08/31/2006 ...STATUTORY RIGHTS OF REDEMPTION OF DEF HAS BEEN

08/31/2006 ...FORFEITED; COURT FINDS THAT PLTF IS ENTITLED TO

08/31/2006 ...IMMEDIATE POSSESSION OF PREMISES.

09/21/2006 CASE ASSIGNED STATUS OF: DISPOSED (AV01)

09/21/2006 DISPOSED ON: 08/31/2006 BY (OTHER) (AV01)

09/21/2006 COURT ACTION JUDGE: TRUMAN M HOBBS JR (AV01)

09/29/2006 SERVICE ORDER SENT TO D001

MIA 04/05/2007

CV 2005 003197.00

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CV 2005 003197.00

JUDGE: TRUMAN M HOBBS JR

ALABAMA JUDICIAL DATA CENTER
CASE ACTION SUMMARY
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

AMERICAN GENERAL FINANCE INC VS ATHEAL PIERCE
FILED: 12/19/2005 TYPE: CONTRACT/EJMNT/SEIZU TYPE TRIAL: NON-JURY TRACK:

DATE1: 08/29/2006 CA: OTHER CA DATE: 08/31/2006
DATE2: AMT: \$.00 PAYMENT:
DATE3:

10/02/2006 REISSUE OF OTHER ON 09/29/2006 FOR D001 (AV02)
10/02/2006 COSTS OF: \$201.00 VS. D001 ON 04/25/2006 (AV02)
10/02/2006 JUDGMENT OF: \$6825.00 VS. D001 ON 04/25/2006 (AV02)
10/02/2006 JUDGEMENT CERTIFICATE PREPARED
10/10/2006 DFTS EMERGENCY MO TO STAY UNLAWFUL DETAINER ACTION
10/11/2006 ORDER SIGNED 10-10-06 DENYING EMERGENCY STAY
10/12/2006 SERVICE ORDER SENT TO D001
10/16/2006 SUPREME COURT OF ALABAMA ADDED AS R001 (AV02)
10/16/2006 LISTED AS ATTORNEY FOR R001: PRO SE (AV02)
10/17/2006 APPEALED ON: 10/10/2006 IN SUPREME COURT (AV01)
10/17/2006 LETTER OF TRANSMITTAL OF NOTICE OF APPEAL
11/07/2006 CERTIFICATE OF COMPLETION OF RECORD ON APPEAL
11/17/2006 ORDER OF POSSESSION RETURNED "BY ORDER OF PLTFS
11/17/2006 ... ATTY
01/24/2007 NOTICE (SUPREME COURT) APPELLEE'S MOTION TO REQUIR
01/24/2007 ... APPELLANT TO POST A SUPERSEDEAS BOND IS DENIED

MIA 04/05/2007

CV 2005 003197.00